Bundles

G. R. S. App. F. IX-4]

1942

File No. 2-42

Previous References.

(Pers)

Serial Nos. ~~2~~ (a)

Later References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one

Part B for October 1942

SUBJECT. No. 124 of the Prison-Reforms Committee re:
Use of hand-cuffs attached to Staple, bar-fetters and cross-bar fetters as prison punishments.

G.O. No. P. 2813 dated 18th October 1942

TO

The I.G. of Prisons

Passes orders re ——

Ja 21/12/42

Prison Reforms Committee —
Recommendation 124.

Serial No.

In para 25 of Chapter V of their Report, the Prison Reforms Committee deal with certain forms of punishment which may be imposed on prisoners for prison offences, the Committee's recommendations in respect of them being as follows :-

(1) Use of handcuffs attached to staple, bar-fetters and cross-bar-fetters :-

It is recommended that the attaching of handcuffs to a staple in front of the prisoner and other forms of punishment like bar-fetters and cross-bar-fetters should be definitely abolished.

2) Rules 280(c), 281(b)and (c) and 282(b) and (c) of our Jail Manual provide for these three forms of punishment.

3) The Committee observe that these punishments are cruel and not only brutal in their nature, but have no real corrective effect on any prisoner, that as a matter of fact they are scarecely ever administered and that they may ~~not~~ now be definitely abolished, as has already been done in British India, retaining only link-chains, single and double, which will serve most purposes.

4) The Inspector General of Prisons, however, states* that these should continue to exist, but should be resorted to sparingly and in exceptional cases where all other lighter punishments have failed, that if

* Vide - Extract - pages below - Flag R

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

the

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Serial No.

they are abolished it would be impossible to maintain discipline in a Jail and that no Jail in the British Indian Provinces has done away with them.

5) It is somewhat strange that both the Committee and the Inspector General of Prisons should take their stand on the British Indian Prison system in support of their respective contentions for the abolition and retention of these three forms of punishment. The fact is that while there is no provision for these punishments in the Madras Jail Manual, full provision in that behalf is contained in the Jail Manuals of the Central Provinces, Bengal and the Punjab, from which it is apparent that these punishments are still retained as a part of the penal system of the Jails there (Vide : C.P.Rules 116, 117 and 118, Bengal 717, 718 and 719 and Punjab 614, 616 and 617). The language of these provisions ~~are~~ is practically identical with ~~our~~ our rules on the subject.

6) The Indian Jails Committee (1920) considered the question of the abolition of these punishments in the Jails in British India. The Committee recognised that there was a certain amount of opinion against the retention of these forms of punishment, and it was pointed out to them that they were not employed in England. The Committee came to the conclu-

-sion

Serial No.

conclusion that it was impossible to dispense with them, especially if the enforcement of individual tasks was to be maintained. The observations of the Committee in respect of the use of handcuffs and fetters are as follows :-

" When a prisoner obstinately refuses to work, some means of compulsion are necessary. Penal diet is not, as a rule, a desirable punishment for Indians; it is also open to the objection that it has the effect of rendering the prisoner pro-tanto less fit for hard labour. As we have already said, we think that corporal punishment should be reserved for use in the last resort and for the gravest prison offences. It certainly could not be employed to deal with offences relating to work, of which there is an average of over 70,000 annually. Separate or cellular confinement will not meet the case as ~~they~~ it involves removal from the work-shed. Forfeiture of remission is often ineffectual and in any case can apply only to prisoners who are on the remission system, and gunny clothing is generally kept for offences connected with clothing. In these circumstances the only remaining form of punishment at the disposal of the Superintendent of a prison is the imposition of irons and we think, therefore, that it must be retained". (Para 229)

7/ They accordingly recommended the retention of the

NOTE—Cont. Sheet.

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the standing hand-cuffs (attachment of hand-cuffs to a staple) and fetters with proper safeguards, which are still in use in the provinces except Madras.

8/ The reasons given by the Indian Jails Committee for the retention of these forms of punishment seem to be sound and convincing. If these punishments are eliminated, the other forms of punishment available to the prison authorities will be the imposition of link-fetters, penal diet, solitary confinement and the forfeiture of remissions which as pointed out by the Indian Jail Committee may not be sufficient to extract work from an un-willing prisoner or to maintain, as the Inspector General of Prisons points out, discipline in the Jail without resorting to corporal punishment, the abolition of which also the Prison Reforms Committee have recommended. It is for consideration therefore whether these forms of punishments may not be retained.

9/ (2) Use of link-fetters:-

The maximum period for which link-fetters may be imposed under Rule 282(1)(a) is twelve months. The Committee recommend that this period may be reduced to thirty days in ordinary cases and should not exceed three months in any other case.

Serial No.

case. The Inspector General of Prisons also is in favour of it. The Indian Jails Committee also were of this opinion and in the provinces of Madras, Bengal, the Punjab and the Central Provinces also the maximum period is fixed at three months. The recommendation of the Committee may therefore be approved.

Use of Belchains—

(3) Rule 489(2) of the Jail Manual provides that " The Superintendent may in his discretion require all or any prisoners to wear fetters and bell-chains while confined in any place without the walls of Jails."

(10) The Prison Reforms Committee recommend that the use of the bell-chain should be prohibited except as a strictly temporary measure when men are placed in insecure huts or tents outside a permanent Jail, as for instance, on the occasion of an out-break of cholera.

(11) The Indian Jails Committee were of the same opinion and gave it as a reason for the use of this device as a temporary measure that its use makes it very inconvenient for a prisoner to answer the calls of nature while thus fastened by a chain which also secures the whole row of men in the same barrack, while obviously all considerations of decency are impossible under such conditions. (Para 244).

(12) The Inspector General of Prisons also agrees with the recommendation of the Committee. It may perhaps

NOTE—Cont. Sheet.

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6) 6230/41

Prisoners Reforms - use of hand cuffs &

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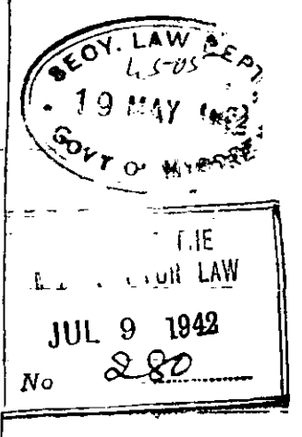
Serial No.



perhaps be approved.

JNW 18/5

Law Secy)

No I

13) The attaching of handcuffs, affixed on the prisoners wrists, to a staple in front of the prisoner may be done away with as recommended by the committee in para 25 of Ch V of the Report.

14) The use of bar-fetters & cross-bar fetters ~~in any~~ should be resorted to, as recommended by the G. G., sparingly & in very exceptional cases when it will not be possible to maintain discipline otherwise.

15) The period of use of bar-fetters may be reduced & the period of use of link-fetters

16) 2 & 3 May be accepted

Minor Jt. Laws

CLC 5 JNW 8-7-42

Prisons Reforms – use of (7
hand cuffs &c

General and Revenue Secretariat | File No. | of 194 | [App. F. III—2

Serial No.

280.

7) ~~The~~ notes may be sent back to the Dy. of Prisons for going with them point in detail and giving his fresh opinions on each point in the light of the Committee's full report—

16/7

16-7-42

2 G.O. No P 8742 dated 16th July 1942.

18) Forwarded with compliments to the Inspector General of Prisons

M. K. Varadaraja Iyer
for Secy to Govt, Law Dept.
16/7/42

Vo. 532-294 dated the 8th Aug. 42

SECY. LAW DEPT. 1583 3.10.1942 GOVT OF MYSORE

Returned with compliments:-

19) If, as suggested by the Committee, the imposition of hand-cuffs attached to a staple, bar-fetters and cross-bar-fetters are abolished, the remaining forms of punishment viz., the imposition of link-fetters, penal diet, cellular confinement and forfeiture of remission will not be enough to exact work from hardened or dangerous criminals or to enforce discipline among them. One of the grounds urged by the Committee for the abolition of the use of hand-cuffs attached to a staple, bar-fetters and cross-bar-fetters, is that "they are scarcely ever administered", in Jails. This may be true. The Jail authorities may not have had frequent recourse to these punishments as there was flogging at their disposal. Now that this important

NOTE—Contn. Sheet.

6) Prison Reforms – use of Handcuffs etc

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Serial No.

important punishment viz., flogging, has been abolished which I understand, is the first of its kind in All-India, I think it inadvisable to do away immediately with the other punishments also, and make the Superintendent of the Jail altogether powerless. If approved, the conduct of prisoners, on the abolition of whipping will be watched for a year and the question whether any or all of the other three forms of punishment can be dispensed with, will be considered and a report submitted to Government thereafter.

20) In the meanwhile, the maximum number of days for which the attaching of hand-cuffs to a staple may be continuously imposed, may be reduced from 7 to 4 days as also the maximum number of hours for which this punishment may be imposed on each day, from 9 to 6 hours. The period of use of bar-fetters may likewise be reduced from 6 to 3 months and of cross-bar-fetters, from 240 to 120 hours. The imposition of these punishments may be restricted to extreme cases of violence, assaults on prison officers or servants, repeated and willfull violations of prison rules, etc. It may further be made incumbent that none of these punishments should be executed until the prisoner concerned has been examined by the Medical officer and declared fit to undergo the punishment. An amendment to provide for these changes may be introduced on the basis of the Rules 717 (c), 718 (b) & (c) and 719 of the Bengal Jail Code (1937)

Inspector-General of Prisons. 9/8/42

Recommendation No 124 of the Prison Reforms Committee
use of hand cuffs etc.

General and Revenue Secretariat — File No. — of 1942. — [App. F. III—2

Serial No.

OFFICE OF THE MINISTER FOR LAW
AUG 17 1942
No. 1623

21 Subject to orders under reference to para 17 of the Notes Supra

JB 10/8/42

22/ The I. G. P's proposal to retain these three forms of punishment for one year and then submit a report may perhaps be approved.

23/ He suggests further certain modifications in our rules relating to these punishments on the lines of rules 717(c), 718(b) 2(c), and 719 of the Bengal Jail Manual. A typed copy of the Bengal rules referred is submitted in the file. (Flag Z). These modifications may perhaps be approved

MKV 15/8

Law Secy)

24/ The recommendations of the I. G. P. may be accepted

Mins for Law

~~Please speak to me. The Govt. does not~~
~~seem much in favour of~~ 25/ Yes. I agree.

MKV 16/8

20/8

21/8

MKV 24/8

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

10 Prison Reforms – rules & handbook.,

MINISTER FOR LAW
SEP 30 1942
General and Revenue Secretariat No. 2801

File No: Pers 2 of 194 2

Serial No.

Submitted with a draft G.O

24
21/9/42
M

Draft G.O is submitted for consideration.

MRV 16/9

Law Secy.

Please put up the recommn of the G.O.

Please put up typed G.O as revised
MRV 21/9
Typed draft submitted
24 11/9

SECY. LAW DEPT. 3021 1 GOVT OF MYSORE

DEC 8 OCT. 1942 2906

Cus 16-9-42

Retype 2nd sheet of the G.O & Submit

Cus 26-9-42
MRV 26/9

SECY. LAW DEPT. 3303 23 OCT 42 GOVT OF MYSORE

Retyped G.O submitted
MRV 28/9
24
28/9 Law Secy
M

May be approved

Cus 29-9-42
MRV 30/9

Minister for Law

Agd.,

Rm 8/10

AM 9/10/42

Cus 13

Issue MRV 13/10

To the I.G of Prisons.
No. P 2813 Dated 18.10.42.

B/Srs

Extract from the Bengal Jail Manual Vol I, Part II, pages 189-190

[280

717. (c) By attaching the handcuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than four consecutive days and for not more than six hours on each day with an interval of at least one hour after the handcuffs have been so attached for 3 hours: Provided that the staple shall not be higher than the prisoner's shoulder nor lower than his waist and that no prisoner shall be attached by handcuffs to a staple except in the presence of other prisoners: Provided further that the punishment referred to in this clause shall not be executed until the prisoner to whom the punishment has been awarded has been examined by the Medical Officer and pronounced to be fit to undergo the punishment: Provided also that this punishment shall be restricted to cases where the prisoner has been guilty of repeated and wilful violations of any prison rule, and where, in fact, his conduct is evidently due to contumacy.

The punishments prescribed in clauses (b) and (c) above shall not be combined with handcuffs in any other way in alternate intervals.

A prisoner while undergoing punishment in handcuffs shall be under complete shelter from the sun.

718. The following classes of fetters may be used in jails:-

(a) Link fetters, composed of a chain and ankle-rings. The total weight of such fetters, including the ankle-rings, shall not exceed 3 pounds and the chain shall be not less than two feet in length.

(b) Bar fetters, composed of two bars joined together by a link and attached to ankle-rings. The total weight of such fetters, including the ankle-rings, shall not exceed 5 pounds, and each bar shall be not less than twenty inches in length.

(c) Cross-bar fetters, composed of a single bar for the purpose of keeping the legs apart, and of ankle-rings. The

total wieght of such fetters, including ankle-rings, shall not exceed 2½ pounds. The length of the bar shall not exceed sixteen inches in the case of men who are not less than five feet six inches in height or fourteen inches in the case of men below this height. The use of cross-bar fetters should be restricted to extreme cases of violence, and be resorted to as much as a prevention against assault as for punishment. The full period allowed for the imposition of this punishment should be awarded only in exceptional cases.

719. The maximum period for which fetters may be continuously imposed shall be--

(a) In the case of link fetters, three months.

(b) In the case of bar fetters, three months.

(c) In the case of cross-bar fetters, two hundred and forty hours.

knns.

Extracts from the opinion of the Inspector General of Prisons on the recommendations of the Prison Reforms Committee.

Recommendation No.124.

The attaching of hand-cuffs to a staple in front of the prisoner, and other punishments like bar-fetters and cross-bar-fetters, should be definitely abolished. * The maximum period for which link fetters can be continuously imposed should be reduced to thirty days in ordinary cases, and should not exceed three months in any other case. The use of the bell-chain should be prohibited except as a strictly temporary measure in certain specified contingencies.

Inspector General of Prisons' Opinion.

These forms of punishment should continue to exist but should be resorted to sparingly and in exceptional cases i.e., in cases where all other lighter punishments have failed to improve the prisoner. If these punishments are abolished, it would be impossible to maintain discipline in a Jail. No Jail in the British Indian Provinces has done away with these forms of punishments

This may be done, an amendment being issued to the effect.

~~Copy~~ 13

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *194*

Date of issue 194

Signed by .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section

File No.

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Recommendation No 124 of the Prison Reforms Committee regarding the use of handcuffs attached to staples, fetters and cross-bar-fetters as prison punishments, and the views of the Superintendents thereon

Order thereon—No.

In para 2-5 of Chapter V of their report the Prison Reforms Committee observe that the attaching of handcuffs to a staple in front of the prisoner and other forms of punishment,

like bar-fetters and cross-
bar-fetters are ~~exactly~~
not only brutal in their nature,
but have no real corrective
effect on any prisoner, that
as a matter of fact they are scarcely
ever administered and that
they may now be definitely
abolished, ~~as has already~~
~~been done in British India~~
retaining only link-chains
single and double, which
will serve most purposes.
~~The Committee further~~
~~recommend~~ further recommend that
the maximum period for
which link-fetters ~~may~~ can be
~~ordinarily imposed may be~~
~~imposed~~ reduced ~~to from~~
~~twelve months~~ to thirty days
in ordinary cases and
should not exceed three
months in any other case
and that the use of the
bell-chain should be
prohibited except as

List of Enclosures

Copied by

Examined by

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

a strictly temporary measure when measures placed in intended huts or huts outside a permanent jail, as for instance, on the occasion of an outbreak of cholera.

The Inspector of Prisons who was consulted in the matter is of opinion that if, as suggested by the Committee, the imposition of handcuffs attached to a staple, bar-fetters and cross bar-fetters are abolished the remaining forms of punishments may be imposition of link-fetters, penal diet, cellular confinement and forfeiture of remission will not

WD 0282—GPB- 22,500—14-3-38

16

sufficient to exact work
from hardened dangerous
criminals or to enforce
discipline among them; that as flogging now has been abolished
to observe it
the Jail authorities may
not have had frequent
recourse to the punish-
ment to which flogging
at their disposal and
now that this important
punishment, flogging
has been abolished, it
is inadvisable to do away
immediately with the other forms of
punishments also, and he proposes that the
visiting Surgeon of the Gaol
also other punishments good
conduct, if approved, will Watch the conduct of
prisoners
or the abolition of whipping
may be made for a
year and submit a report as to
whether old or any

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

of all of the other three forms of punishment may not be dispensed with will be considered and a report submitted to Govt. thereafter.

We recommend, in the meanwhile, that the number of days for which the attaching of hand-cuffs to a staple may be continuously imposed, may be reduced from 7 to 4 days; and the maximum number of hours for which this punishment may be imposed on each day, from 9 to 6 hours; that the period of use of bar-fetters may be reduced from 6 to 3 months and of cross-bar-fetters, from 3

WD 0282—GPB- 22,500—14-3-38

18

240 to 120 hours; that the imposition of these punishments may be restricted to extreme cases of violence, assault on prison officers or servants, repeated and wilful violation of prison rules etc., and ~~it further being made~~ incumbent that none of these punishments should be executed until the prisoner concerned has been examined by the medical officer and declared fit to undergo the punishment, ~~and that~~ and that an amendment to provide for these changes may be introduced on the lines of the rules 717(c), 718(1)(a) and 719 of the Bengal Jail Code (1937).

As regards the use of the bilchain the S. G. of Prisons agrees with the Committee.

7 19

Govt are pleased to agree with the I.G. of Prisons, and direct accordingly the following amendment to the rules in the Jail Manual.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

G.R.S. App. F. G. 3.

Agreeing with the I.G. of Prisons Govt are pleased to issue the following amendments to the Rules in the Jail Manual:

1. Substitute the following for Rule 280 (C) [Vide Rule 417(C) of the Bengal Jail Manual Flag I.]

2. At the end of Rule 280(C), add the following:-

"The use of cross-bar-fetters should be restricted to extreme cases of violence, and be resorted to as much as a prevention against assault as for punishment. The full period allowed for the imposition of this punishment shall not be awarded only in exceptional cases.

3. In Rule 28 R (1), a

WD 0252—GPB- 22,500—14-3-38

for the word "twelve".
substitute the word
"three"

4. In rule 282(b) for
the word 'six' substi-
tute the word 'three'.
5. In rule 282(c), for
the words 'two hundred
and forty hours' substi-
tute the words 'one
hundred and twenty hours
6. Add the following ~~as~~ ~~to~~
~~Rule 480~~ after rule
480(3) ~~as~~.

'(4) No use after
bell-chain shall be
prohibited except as
a strictly temporary measure
when prisoners are
placed in insecure huts
or tents outside a
permanent fence'

No 8 of Prisons
is requested to submit

9. 21

G. R. S. App. F. G. 3

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

a report, after the expiry of one ~~on the conduct of prisoners as~~ year, on the result of the abolition of whipping on the conduct of prisoners.

Home Secy
Lafont

To NWP 31/8
The Govt of Prisons

24
27/8/42

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-

Recommendation No.124 of the Prison Reforms Committee regarding the use of hand-cuffs attached to staple, bar-fetters and cross bar fetters as prison punishments, and the views of the Inspector General of Prisons thereon

ORDER NO.P. Dated

In para 25 of chapter V of their Report, the Prison Reforms Committee observe that the attaching of hancuffs to a staple in front of the prisoner and other forms of punishments like bar-fetters and cross-bar fetters are not only brutal in their nature but have no real corrective effect on any prisoner, that as a matter of fact they are scarcely ever administered and that they may now be definitely abolished, retaining only link-chains, single and double, which will serve most purposes. The Committee further recommend that the maximum period for which link-fetters ~~can~~ could be continuously imposed may be reduced to thirty days in ordinary cases and should not exceed three months in any other case; and that the use of the bell-chain should be prohibited except as a strictly temporary measure when men are placed in insecure huts or tents outside a permanent jail, as for instance, on the occasion of an out-break of cholera.

The Inspector General of Prisons who was consulted in the matter is of opinion that if, as suggested by the Committee, the imposition of hand-cuffs attached to a staple,

bar-

bar-fetters and cross-bar-fetters a-- abolished, the remaining forms of punishments viz., the imposition of link-fetters, penal diet, cellular confinement and forfeiture of remission will not be sufficient to extract work from hardened or dangerous criminals or to enforce discipline among them; that as flogging has now been abolished, it is ~~inadmissiable~~ inadvisible to do away immediately with the other forms of punishments also. He states tha he will watch the conduct of prisoners on the abolition of whipping for a year and submit a report as to whether any or all o: the other three forms of punishments may be dispensed with.

He recommends in the meanwhile, that the number of days for which the attaching of hand-cuffs to a staple may be continuously imposed, may be reduced from 7 to 4 days and the maximum number of hours for which this punishment may be imposed from 9 to 6 hours; that the period of use of bar-fetters may be reduced from 6 to 3 months and of cross-bar-fetters, from 240 hours to 120 hours; that the imposition of these punishments may be restricted to extreme cases of violence, assualts on prison officers or servants, repeated and willful violations of prison rules etc. and that none of these punishments should be executed until the prisoner concerned has been examined by the medical officer and declared fit to undergo the punishment. As regards the use of the bellchain the Inspector General of Prisons agrees with the Committee.

Government are pleased to agree with the Inspector General of Prisons, and - direct accordingly the following amendments to the rules in the Jail Manual:-

1. Substitute the following for Rule 280(c) ~~(i)~~ ~~By~~ attaching the handcuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than four consecutive days and for not more than six hours on each day with an interval of at least one hour after the handcuffs have been so attached for 3 hours: Provided that the staple shall not be higher than the prisoner's shoulder nor lower than his waist and that no - prisoner shall be attached by handcuffs to a staple except in the presence of other prisoners: Provided further that the - punishment referred to in this rule shall not be executed until the prisoner to whom the punishment has been awarded has been examined by the Medical Officer and - pronounced to be fit to undergo the - punishment: Provided also that this punishment shall be restricted to extreme cases of ~~violence, assaults on prison officers or servants or where the prisoner has been guilty of any~~ repeated and wilful violations of any prison rule, ~~and where, in fact, his conduct is evidently due to contumacy.~~

This punishment shall not be combined with handcuffs in any other way in alternate intervals.

A prisoner while undergoing punishment in handcuffs shall be under complete

complete shelter from the sun.

2. ~~At the end of~~ Insert the following as Rule 281(d) ~~add the following:-~~

*The use of Cross-bar-fetters and bar-fetters shall should be restricted to extreme cases of violence, ~~and be resorted to as much as a prevention against assault as for punishment~~. The full period allowed for the imposition of these punishments shall be awarded only in exceptional cases." assaults on prison officers or deliberate or repeated and wilful violations of any prison rule.

3. In rule 282(1)(a) for the word "twelve" substitute the word "three".

4. In rule 282 (b) for the word 'six' substitute the word 'three'.

5. In Rule 282 (c) for the words 'two hundred and forty hours' substitute the words 'one hundred and twenty hours'.

6. Add the following as sub-rule (4) ~~after Rule~~ of rule 489 ~~(3)~~.

'(4) The ~~use of the~~ bell-chain shall not be ~~prohibited~~ used except as a strictly temporary measure when prisoners are placed in insecure huts or tents outside a permanent Jail'.

The Inspector General of Prisons is requested to submit a report, after the expiry of one year on the result of the abolition of whipping on the conduct of prisoners.

Secretary to Govt.
Law Dept.

To

The Inspector General of Prisons.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read:-- 25

Recommendation No. 124 of the Prison Reforms Committee regarding the use of handcuffs attached to a staple, bar-fetters and cross bar fetters as prison punishments, and the views of the Inspector General of Prisons thereon.

Pris 2-42-22(a)

Order No. P. 28/3. Dated 24/8th Oct'42.

In para 25 of chapter V of their Report, the Prison Reforms Committee observe that the attaching of handcuffs to a staple in front of the prisoner and other forms of punishments like bar-fetters and cross-bar-fetters are not only brutal in their nature but have no real corrective effect on any prisoner; that as a matter of fact they are scarcely ever administered and that they may now be definitely abolished, retaining only link-chains, single and double, which will serve most purposes. The Committee further recommend that the maximum period for which link-fetters could be continuously imposed may be reduced to thirty days in ordinary cases and should not exceed three months in any other case; and that the use of the bel/-chain should be prohibited except as a strictly temporary measure when men are placed in insecure huts or tents outside a permanent jail, as for instance, on the occasion of an out-break of cholera.

P.T.O.

The Inspector General of Prisons who was consulted in the matter is of opinion that if, as suggested by the Committee, the imposition of hand-cuffs attached to a staple bar-fetters and cross-bar-fetters are abolished, the remaining forms of punishments viz., the imposition of link-fetters, penal diet, cellular confinement and forfeiture of remission will not be sufficient to exact work from hardened or dangerous criminals or to enforce discipline among them; that as flogging has now been abolished, it is not ~~advisable~~ advisible to do away immediately with the other forms of punishments also. He states that he will watch the conduct of prisoners on the abolition of whipping for a year and submit a report as to whether any or all of the other three forms of punishments may be dispensed with.

He recommends in the meanwhile, that the number of days for which the attaching of hand-cuffs to a staple may be continuously imposed, may be reduced from 7 to 4 days and the maximum number of hours for which this punishment may be imposed from 9 to 6 hours; that the period of use of bar-fetters may be reduced from 6 to 3 months and of cross-bar-fetters, from 240 hours to 120 hours; that the imposition of these punishments may be restricted to extreme cases of violence, assualts on prison officers or servants, repeated and wilful violations of prison rules etc., and that none of these punishments should be executed until the prisoner concerned has

P.T.O.

27

been examined by the medical officer and declared fit to undergo the punishment. As regards the use of the belchain the Inspector-General of Prisons agrees with the Committee.

Government are pleased to agree with the Inspector-General of Prisons and direct accordingly the following amendments to the rules in the Jail Manual:-

1. Substitute the following for Rule 280(c);

"280(c) By attaching the handcuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than four consecutive days and for not more than six hours on each day with an interval of at least one hour after the handcuffs have been so attached for 3 hours:

Provided that the staple shall not be higher than the prisoner's shoulder nor lower than his waist and that no prisoner shall be attached by handcuffs to a staple except in the presence of other prisoners:

Provided further that the punishment referred to in this rule shall not be executed until the prisoner to whom the punishment has been awarded has been examined by the Medical Officer and pronounced to be fit to undergo the punishment:

Provided also that this punish-

punishment shall be restricted to extreme cases of violence, assaults on prison officers or servants or repeated and wilful violations of any prison rule.

A prisoner while undergoing punishment in handcuffs shall be under complete shelter from the sun"

2. Insert the following as Rule 281(d):—

"The use of Cross-bar-fetters and bar-fetters shall be restricted to extreme cases of violence, assaults on prison officers or servants or repeated and wilful violations of any prison rule and shall not be imposed until the prisoner to whom either of the punishments has been awarded has been examined by the Medical Officer and pronounced to be fit to undergo the punishment. The full period allowed for the imposition of these punishments shall be awarded only in exceptional cases".

3. In rule 282(1)(a) for the word "twelve" substitute the word "three".

4. In rule 282(b) for the word "six" substitute the word "three".

5. In Rule 282(c) for the words "two hundred and forty hours" substitute the words "one hundred and twenty hours".

6. Add the following as sub-rule(4) of rule 489.

"(4) ~~The~~ Bel-chains shall not be

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be used except as a strictly temporary measure when prisoners are placed in insecure huts or tents outside a permanent Jail".

The Inspector-General of Prisons is requested to submit a report, after the expiry of one year on the result of the abolition of whipping on the conduct of prisoners, as to whether any or all of the other three forms of punishment may be dispensed with.

29-9-42

Secretary to Government,
Law Department.

To

The Inspector-General of Prisons.

Provided that the staple shall not be higher than the prisoner's shoulder nor lower than his waist and that no prisoner shall be attached by hand-cuffs to a staple except in the presence of other prisoners;

Provided further that the punishment referred to in this rule shall not be executed until the prisoner to whom the punishment has been awarded has been examined by the Medical Officer and pronounced to be fit to undergo the punishment:

Provided also that this punishment shall be restricted to extreme cases of violence, assaults on prison officers or servants or repeated and wilful violations of any prison rule.

A prisoner while undergoing punishment in hand-cuffs shall be under complete shelter from the sun."

2.Insert the following as Rule 281(d):--

"The use of Cross-bar-fetters and bar-fetters shall be restricted to extreme cases of violence, assaults on prison officers or servants or repeated and wilful violations of prison rule and shall not be imposed until the prisoner to whom either of the punishments has been awarded has been examined by the Medical Officer and pronounced to be fit to undergo the punishment. The full period allowed for the imposition of these punishments shall be awarded only in exceptional cases".

3. In rule 282(1)(a) for the word "twelve" substitute the word "three".

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5. In rule 282(c) for the words "two hundred and forty hours" substitute the words "one hundred and twenty hours".

6. Add the following as sub-rule (4) of Rule 489.--

"(4) Belchains shall not be used except as a strictly temporary measure when prisoners are placed in insecure huts or tents outside a permanent Jail".

The Inspector-General of Prisons is requested to submit a report, after the expiry of one year on the result of the abolition of whipping on the conduct of prisoners, as to whether any or all of the other three forms of punishment may be dispensed with.

Sd/- C. Narayanaswamy Naidu,
Secretary to Government,
Law Department.

To

The Inspector-General of Prisons in Mysore.

"Copy"

PL/2.

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

R e a d:

Recommendation No. 124 of the Prison Reforms Committee regarding the use of hand-cuffs attached to a staple, bar-fetters and cross-bar-fetters as prison punishments, and the views of the Inspector-General of Prisons thereon.

ORDER NO. P 2813/PRIS. 2-42-22(A),

DATED, BANGALORE, THE 18TH OCTOBER 1942.

In para 25 of chapter V of their Report, the Prison Reforms Committee observe that the attaching of hand-cuffs to a staple in front of the prisoner and other forms of punishments like bar-fetters and cross-bar-fetters are not only brutal in their nature but have no real corrective effect on any prisoner; that as a matter of fact they are scarcely ever administered and that they may now be definitely abolished, retaining only link-chains, single and double, which will serve most purposes. The Committee further recommend that the maximum period for which link-fetters could be continuously imposed may be reduced to thirty days in ordinary cases and should not exceed three months in any other case; and that the use of the bel-chain should be prohibited except as a strintly temporary measure when men are placed in insecure huts or tents outside a permanent jail, as for instance, on the occasion of an outbreak of cholera.

The Inspector-General of Prisons who was consulted in the matter is of opinion that if, as suggested by the Committee, the imposition of hand-cuffs attached to a staple bar-fetters and cross-bar-fetters are abolished, the remaining forms of punishments viz., the ~~xxxxxx~~ imposition of link-fetters, penal diet, cellular confinement ~~xxx~~ and forfeiture of remission will not be sufficient to exact work from hardened or dangerous criminals or to enforce discipline among them; that as flogging has now been abolished, it is not advisible to do away immediately with the other forms of punishments also. He states that he will watch the conduct of prisoners on the abolition of whipping for a year and submit a report as to whether any or all of the other three forms of punishments may be dispensed with.

He recommends in the meanwhile that the number of days for ~~xxxx~~ which the attaching of hand-cuffs to a staple may be continuously imposed, may be reduced from 7 to 4 days and the maximum number of hours ~~fo~~ for which this punishment may be imposed from 9 to 6 hours; that the period of use of bar-fetters may be reduced from 6 to 3 months and of cross-bar-fetters, from 240 hours to 120 hours; that the imposition of these punishments may be restricted to extreme cases of violence, assaults on prison officers or servants, repeated and wilful violations of prison rules etc., and that none of these punishments should be executed until the prisoner concerned has been examined by the medical officer and declared fit to undergo the punishment. As regards the use of the bel-chain the Inspector-General of Prisons agrees with the Committee.

Government are pleased to agree with the Inspector-General of Prisons and direct accordingly the following amendments to the rules in the Jail Manual:--

1. Substitute the following for Rule 280(c):

"280(c) By attaching the hand-cuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than ~~xix~~ four consecutive days and for not more than six hours on each day with an interval of at least one hour after the hand-cuffs have been so attached for 3 hours:

S. O.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 2813—Pris. 2-42-22 (A), dated 18th October 1942.

Recommendation No. 124:

Use of hand-cuffs attached to a staple, bar-fetters and cross-bar-fetters as prison punishments.

READ—

Recommendation No. 124 of the Prison Reforms Committee, regarding the use of hand-cuffs attached to a staple, bar-fetters and cross-bar-fetters as prison punishments, and the views of the Inspector-General of Prisons thereon.

ORDER No. P. 2813—PRIS. 2-42-22 (A), DATED BANGALORE, THE 18TH OCTOBER 1942.

In para 25 of chapter V of their Report, the Prison Reforms Committee observe that the attaching of hand-cuffs to a staple in front of the prisoner and other forms of punishments like bar-fetters and cross-bar-fetters are not only brutal in their nature but have no real corrective effect on any prisoner; that as a matter of fact they are scarcely ever administered and that they may now be definitely abolished, retaining only link-chains, single and double, which will serve most purposes. The Committee further recommend that the maximum period for which link-fetters could be continuously imposed may be reduced to thirty days in ordinary cases and should not exceed three months in any other case; and that the use of the bel-chain should be prohibited except as a strictly temporary measure when men are placed in insecure huts or tents outside a permanent Jail, as for instance, on the occasion of an outbreak of cholera.

The Inspector-General of Prisons, who was consulted in the matter, is of opinion that if, as suggested by the Committee, the imposition of hand-cuffs attached to a staple, bar-fetters and cross-bar-fetters are abolished, the remaining forms of punishments, *viz.*, the imposition of link-fetters, penal diet, cellular confinement and forfeiture of remission will not be sufficient to exact work from hardened or dangerous criminals or to enforce discipline among them; that as flogging has now been abolished, it is not advisable to do away immediately with the other forms of punishments also. He states that he will watch the conduct of prisoners on the abolition of whipping for a year and submit a report as to whether any or all of the other three forms of punishments may be dispensed with.

He recommends in the meanwhile that the number of days for which the attaching of hand-cuffs to a staple may be continuously imposed, may be reduced from 7 to 4 days and the maximum number of hours for which this punishment may be imposed from 9 to 6 hours; that the period of use of bar-fetters may be reduced from 6 to 3 months and of cross-bar-fetters, from 240 hours to 120 hours; that the imposition of these punishments may be restricted to extreme cases of violence, assaults on prison officers or servants, repeated and wilful violations of prison rules, etc., and that none of these punishments should be executed until the prisoner concerned has been examined by the medical officer and declared fit to undergo the punishment. As regards the use of the bel-chain, the Inspector-General of Prisons agrees with the Committee.

Government are pleased to agree with the Inspector-General of Prisons and direct accordingly the following amendments to the rules in the Jail Manual :—

(1) Substitute the following for Rule 280 (*c*) :

"280 (*c*) By attaching the hand-cuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than four consecutive days and for not more than six hours on each day with an interval of at least one hour after the hand-cuffs have been so attached for 3 hours :